

Endorsed Order:

Mr. Dunsmore's motion, dated December 11, 2015, is denied for failure to articulate a *prima facie* basis for the requested relief.

Dated: New York, New York
December 16, 2015

s/Robert E. Gerber
United States Bankruptcy Judge

1 Daryl Dusmane
2 AD6237 CJA 150
3 Box 32200
4 Stockton Ca 95213

5
6
7 UNITED STATES BANKRUPTCY COURT
8 SOUTHERN DISTRICT OF NEW YORK

9
10 IN RE

Case #09-50026 (ERG)

11 General Motors

12 IGNITION SWITCH Litigation

13 Daryl Dusmane

14 Plaintiff

15 v

16 General Motors et al

17 Defendants

18 Affidavit in Support
19 of Motion for Judicial
20 Notice, Contempt in-
21 effective assistance
Request for Relief

22 I Daryl Dusmane state and declare
23 I am a plaintiff involved in the above
24 filed actions that I have contacted all
25 counsel ordered by the Court to represent
26 this plaintiff concerning the four threshold
27 issues and selected all counsel to represent

10f2

1 Daryl Densmore
2 AD6237 C3A 150
3 Box 32200
4 Stockton Ca 95213



8 UNITED STATES BANKRUPTCY COURT
9 SOUTHERN DISTRICT OF NEW YORK

10 IN R2

11 General Motors

IGNITION SWITCH Utilization

Case# 09-50026 RE6

13 Daryl Dusmore

14 | Plain till

15

16 General Motor etc

17 Dechert's

Table of Content
and Authorities
in Support of Motion
for Judicial Notice
Contempt in effective
Assistance Request for
Relief

IN RE Miserer (1985) 38 C3d

25 People v Moses (1996) 43 CA 4th 462
26

468 50 CR2d 89 - - - - -

27
28

28|| 10 ft 2

1082

1 Per order of this court Exhibit A
2 and that only one Counsel has contacted
3 me that being William P Weisztraub and
4 that he fraudulently represented himself
5 concerning his involvement in this case
6 and his representation of this plaintiff
7 and refused this order to represent this
8 plaintiff concerning the four threshold
9 issues in contempt of this court and
10 other Counsel have not responded as well
11 concerning representation ordered by this
12 court

13 That these actions are violating plaintiff's
14 constitutional due process rights

15
16
17
18
19
20
21
22
23
24
25
26
27
28

I declare under penalty of perjury is true
under the laws of the state of California

12/1/15 Date

2682

1 Darryl Dusmore
2 AD6237 CJA-150
3 Box 32200
4 Stockton Ca 95213

5
6
7
8 UNITED STATES BANKRUPTCY COURT
9 SOUTHERN DISTRICT OF NEW YORK

10 IN RE
11 General Motors

Casel# 09-50026 RSG

12 IGNITION SWITCH Litigation

13 Darryl Dusmore
14 Plaintiff
15 v

16 General Motors et al
17 Defendants

18 Motion for Judicial
19 Notice Contempt and
20 in effective assistance
21 Request for Relief

22 This Court ordered Counsel to
23 Represent This Plaintiff Concerning The
24 4 Threshold Issues See: Exhibit A
25
26 Doc 13177 Page 11 sec(c)

1 and for plaintiff to select one or
2 more to do so

3 plaintiff promptly selected all and
4 notified them of such; plaintiff has
5 received no correspondence from
6 any except William P Weintraub, who
7 first fraudulently represented himself
8 to me claiming he had no involvement
9 in said case Exhibit B on Oct
10 22 2015

11 Despite stating he would not be
12 responding again with correspondence
13 I received correspondence from
14 William P Weintraub on Nov 17
15 2015 who in plaintiffs opinion is
16 in contempt of this courts order
17 Exhibit A to represent this plaintiff
18 after having been contacted by my
19 self and order of the court denying
20 this plaintiff his due process rights
21 concerning the issues

22 This counsel claims that in his
23 correspondence that his representation is
24 the representation of the other (3) co-lead
25 counsel Exhibit C

1 In fact stating he is in effect effectively
2 Representing not only this plaintiff but
3 all plaintiffs because he representing
4 Counsel and Not Plaintiff or Plaintiff
5 and Directly states he refuses to
6 represent this plaintiff Concerning The
7 four threshold issues as ordered by
8 this Court

9

10 Conclusion

11 This Counsel or all Counsel should
12 be directly ordered to again "Concerning"
13 representation of this plaintiff and his
14 issues Concerning the four threshold
15 issues and afford this plaintiff his
16 rights To appropriate representation of
17 his unique Claims Concerning The
18 four threshold issues and any and all
19 other relief available including finding
20 all Counsel in Contempt of This Courts
21 orders

22

23 I Declare under penalty of perjury is
24 True under the laws of The state of California

25
26 12/1/15 DTD →
27
28

3 of 3

1 Daryl Durmire
2 AD6237 CJA 150
3 Box 32200
4 Stockton CA 95213

5
6
7
8 UNITED STATES BANKRUPTCY COURT
9 SOUTHERN DISTRICT OF NEW YORK

10 IN RE
11 General Motors | Case 09-50026 (REG)
12 IGNITION SWITCH Litigation

13 Daryl Durmire
14 Plaintiff
15 v
16 General Motor et al
17 Defendants

18 Memorandum of Points
19 and Authorities in
20 support of Motion for
21 Technical Notice Contempt
22 in effective assistance
23 Request for Relief

24 Disobedience of a court order may be
25 punished as a contempt only if the order
26 meets several prerequisites. The order must
27 be valid and within the court's power

1 To enter In re Misner (1985) 38 C3d
2 543 213 CR 569 the terms of the order
3 must be specific and narrowly drawn
4 and must be set by the court its
5 self People v Moses (1996) 43 CA4th 462
6 468 50 CR2d 89

7
8 Here the court gave an order that
9 this plaintiff would be represented by
10 selected counsel exhibit A and that
11 plaintiff could select one or all
12 counsel to represent him concerning the
13 fair threshold issues

14
15 This plaintiff has selected all and
16 only one has responded and has done
17 so with fraudulent misrepresentation and
18 refusal of the order resulting in ineffective
19 assistance and clear violation of this
20 plaintiff's due process rights both in
21 this court his civil complaint and
22 his writ of habeas on wrongful conviction
23 in which said exculpatory evidence
24 connected with this case must occur

25
26 I declare under the penalty of perjury
27 is true under the laws of the state of
28 California

12/1/15 DTD - 20f2

Judgment, including without limitation, the provisions of paragraph 13 of the Judgment."

(c) If a counsel for a Non-Ignition Switch Pre-Closing Accident Plaintiff or Non-Ignition Switch Plaintiff listed on Exhibit "D" believes that, notwithstanding the Decision and this Judgment, it has a good faith basis to maintain that its lawsuit, or certain claims or causes of action contained therein, against New GM should not be dismissed or stricken, it shall file a pleading with this Court within 17 business days of this Judgment ("No Dismissal Pleading"). Such No Dismissal Pleading may request, as part of any good faith basis to maintain a lawsuit (or certain claims or causes of action contained therein) against New GM, (i) ~~an opportunity to select one or more designated counsel from among the affected parties to address the Four Threshold Issues with respect to particular defects in the vehicles involved in the accidents or incidents~~ that form the basis for the subject claims, and (ii) the establishment of appropriate procedures (including a briefing schedule and discovery, if appropriate) with respect thereto. If a No Dismissal Pleading is timely filed, New GM shall have 17 business days to respond to such pleading. The Court will schedule a hearing thereon if it believes one is necessary.

(d) If counsel for a Non-Ignition Switch Pre-Closing Accident Plaintiff or a Non-Ignition Switch Plaintiff believes that, notwithstanding the Decision and this Judgment, it has a good faith basis to believe that any of the GUC Trust Assets may be used to satisfy late proofs of claim filed by them that may ultimately be allowed by the Bankruptcy Court, it shall file a pleading with this Court within 17 business days of this Judgment ("GUC Trust Asset Pleading"). The GUC Trust Asset Pleading shall not reargue issues that were already decided by the Decision and Judgment. If a GUC Trust Asset Pleading is timely filed, the GUC Trust,

during the proceedings regarding the Four Threshold Issues and any other parties who had notice of the proceedings regarding the Four Threshold Issues and the opportunity to be heard in them—including, for the avoidance of doubt, the plaintiffs in the *Bledsoe, Elliott and Sesay* lawsuits listed on Exhibit “C.” They shall also apply to any other plaintiffs in these proceedings (including, without limitation, the Non-Ignition Switch Pre-Closing Accident Plaintiffs and Non-Ignition Switch Plaintiffs identified on Exhibit “D” attached hereto), subject to any objection (“Objection Pleading”) submitted by any such party within 17 business days of the entry of this Judgment. New GM shall file a response to any such Objection Pleading within 17 business days of service. The Court will schedule a hearing thereon if it believes one is necessary. To the extent an issue shall arise in the future as to whether (i) the Non-Ignition Switch Pre-Closing Accident Plaintiffs and Non-Ignition Switch Plaintiffs were known or unknown creditors of the Debtors, (ii) the doctrine of equitable mootness bars the use of any GUC Trust Assets to satisfy late-filed claims of the Non-Ignition Switch Pre-Closing Accident Plaintiffs and Non-Ignition Switch Plaintiffs, or (iii) the Non-Ignition Switch Pre-Closing Accident Plaintiffs or Non-Ignition Switch Plaintiffs were otherwise bound by the provisions of the Sale Order, the Non-Ignition Switch Pre-Closing Accident Plaintiffs or Non-Ignition Switch Plaintiffs shall be required to first seek resolution of such issues from this Court before proceeding any further against New GM and/or the GUC Trust.

(b) Within two (2) business days of the entry of this Judgment, New GM shall serve a copy of this Judgment on counsel for the Non-Ignition Switch Pre-Closing Accident Plaintiffs or Non-Ignition Switch Plaintiffs identified on Exhibit “D”, by e-mail, facsimile, overnight mail or, if none of the foregoing are available, regular mail, with a cover note that states: “The attachment is the Judgment entered by the Bankruptcy Court. Please review the

GOODWIN | PROCTER

William P Weintraub
212.813.8839
WWeintraub@goodwinprocter.com

Goodwin Procter LLP
Counselors at Law
The New York Times Building
620 Eighth Avenue
New York, NY 10018
T: 212.813.8800
F: 212.355.3333

October 22, 2015

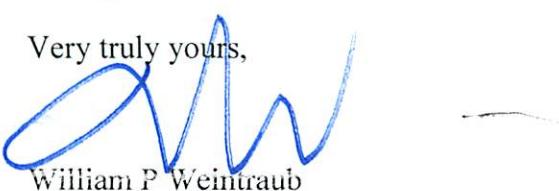
Darryl Dunsmore
AD6237 C-3A-115
California Health Care Facility
P.O. Box 32200
Stockton, CA 95213

Dear Mr. Dunsmore:

I am in receipt of your letter dated October 15, 2015. Contrary to the statement in your letter, I have not received any previous correspondence from you. Your request for discovery is not in a proper form, and I am not a party to any pending litigation concerning General Motors. Requests for discovery should be addressed to parties. I suggest you contact General Motors directly and assert your discovery request in a proper form.

For the sake of good order, please be advised that I will not be responding to future correspondence.

Very truly yours,


William P. Weintraub

WPW:ac

William Weintraub, Goodwin, Procter LLP
620 Eighth Ave
New York, NY 10018

Darryl Dunsmore
AD6237 C-3A-115
Calif. Health Care Facility
P.O. Box 32200
Stockton, CA 95213

I, Lula Renteria, am sending this letter to you at the direction of my son, Darryl Dunsmore, for whom I have Power of Attorney.

According to the Demand and Notification letter that he received with attachment Exhibit A, Document 13177, page2, Paragraph C, under the No Dismissal Pleading, he is entitled to select one or more disgruntled council concerning the 4 threshold issues. He is selecting you and all council and is expecting immediate response by mail. This is part of the court order.

Due to incarceration because of the accident in which his GMC vehicle mal-functioned and being in Administrative Segregation at the time of the bankruptcy & sale of GMC he was unable to file a claim and was deprived of Due Process. His address is at the top of the page.

Thank you,

Lula Renteria

9/22/2015



P.S. This is a follow up to my call on 9/21/2015 in which you referred me to Robert Hillard.

Edward Weisfelner & Brown, Rudnick LLP
7 Times Sq. #47
New York, NY 10036

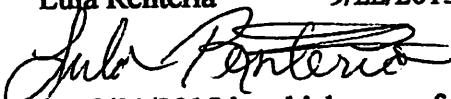
Darryl Dunsmore
AD6237 C-3A-115
Calif. Health Care Facility
P.O. Box 32200
Stockton, CA 95213

I, Lula Renteria, am sending this letter to you at the direction of my son, Darryl Dunsmore, for whom I have Power of Attorney.

According to the Demand and Notification letter that he received with attachment Exhibit A, Document 13177, page 2, Paragraph C, under the No Dismissal Pleading, he is entitled to select one or more designated council concerning the 4 threshold issues. He is selecting you and all council and is expecting immediate response by mail. This is part of the court order.

Due to incarceration because of the accident in which his GMC vehicle mal-functioned and being in Administrative Segregation at the time of the bankruptcy & sale of GMC he was unable to file a claim and was deprived of Due Process. His address is at the top of the page.

Thank you,
Lula Renteria 9/22/2015



P. S. This is a follow up to my conversation with you on Monday 9/21/2015 in which you referred me to William Weintraub.

Robert Hillard
719 S Shoreline Blvd. #500
Corpus Christi, TX 78401

Darryl Dunsmore
AD6237 C-3A-115
Calif. Health Care Facility
P.O. Box 32200
Stockton, CA 95213

I, Lula Renteria, am sending this letter to you at the direction of my son, Darryl Dunsmore, for whom I have Power of Attorney.

According to the Demand and Notification letter that he received with attachment Exhibit A, Document 13177, page2, Paragraph C, under the No Dismissal Pleading, he is intitled to select one or more disignated council concerning the 4 threshold issues. He is selecting you and all council and is expecting immediate response by mail. This is part of the court order.

Due to incarceration because of the accident in which his GMC vehicle mal-functioned and being in Administrative Segregation at the time of the bankruptcy & sale of GMC he was unable to file a claim and was deprived of Due Process. His address is at the top of the page.

Thank you,

Lula Renteria

9/22/2015



P. S. This is a follow up to the voice mail I left on Monday, 9/21/15.

Attention: Scott Davidson
King & Spalding

My name is Lula Renteria and I am the widowed mother of Darryl Dunsmore. Because he is in prison and very ill he can't respond immediatley. He is filing a motion for the extension of the filing of the objections. I am writing this for him because he is in prison and medicaly incapacitated. He was in a terribnle car accident in front of my home, in which his car malfunctioned. He was blamed for the crash and went to prison. He has already been there over 7 years. This was a terrible miscarriage of justice.

Lula Renteria 9/19/2015



GOODWIN | PROCTER

William P Weintraub
212.813.8839
WWeintraub@goodwinprocter.com

Goodwin Procter LLP
Counselors at Law
Exchange Place
Boston, MA 02109
T: 617.570.1000
F: 617.523.1231

November 17, 2015

Lula Renteria
c/o Darryl Dunsmore
AD6237 C-3A-115
California Health Care Facility
P.O. Box 32200
Stockton, CA 95213

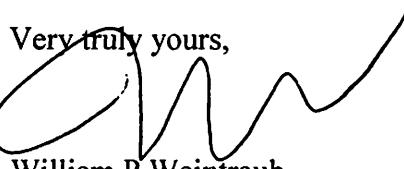
Dear Ms. Renteria:

I am receipt of your letter dated September 22, 2015 written on behalf of Darryl Dunsmore.

The procedure does not work in the manner suggested in your letter. I decline to represent Mr. Dunsmore. My engagement is limited to the representation of the three (3) Co-Lead lawyers in the Multi-District Litigation with respect to specific bankruptcy matters.

As I told Mr. Dunsmore in my letter responding to him, and as I will now tell you, I will not be responding to further correspondence from you.

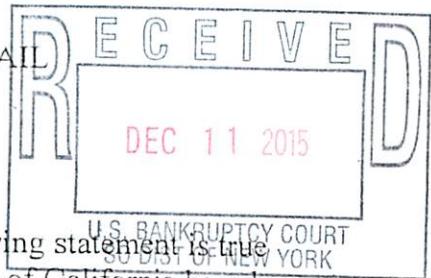
Very truly yours,



William P. Weintraub

WPW:ac

PROOF OF SERVICE BY UNITED STATES MAIL
(Code of Civil Procedure Section 1015)
(28 U.S.C. Section 1746)



I, David Richards, declare, depose and say, the following statement is true and correct under penalty of perjury according to the laws of the State of California based on matters known to me personally to be true:

1) I am over the age of eighteen years, a resident and a state prisoner, of the State of California with a present mailing address of:

Box 32200 Stockton Ca 95203

2) On this 1 day of Dec 20 15, I caused a true and correct copy of the following specifically described, document(s);

Motion for Conting Judicial Notice

at the prison to be placed in a sealed envelope(s), with first postage, having been placed thereon, duly addressed to the interested person or persona described hereinafter, and then deposited such envelopes(s) in the regular United States mail, or mail service made available where I am detained, to the addressee(s):

King & Spalding
1185 Ave of the Americas
New York New York
10036-4003

William Weintraub
620 Eighth Ave
New York New York
10018

3) I declare that there has been regular U.S. mail pick-up by correctional officers at the prison, and/or delivery service, at the places(s) where I posted the envelopes described above, regular communication by mail between the place of mailing and the place so addressed.

David Richards

Executed this 1 day of Dec, 20 15, under penalty of perjury according to the laws of the State of California, at Los Angeles, County, City of Lancaster.